IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 17007 of 2003

Between:

Mohd.Rasheed Ahmed, S/o. Md. Muksood Ahmed,
R/o H. No. 23-1-365/A, Husaianigoti, Yakqthpura, Hyderabad.

..... PETITIONER

AND

1.The Regional Manager, APSRTC., Bhagyanagar Region, Hyderbad
2.The Divisional Manager, APSRTC., Santhanagar Division, Sanathnagar, Hyderabad.
3.The Depot Manager, APSRTC., BHEL Depot, BHEL, Ranga Reddy District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in issuing the proceedings No. 01/535(18)/97-BHEL, dt. 13-5-1997 as illegal, arbitrary and unjust and consequently to set aside the proceedings No. 01/535 (18)/97-BHEL, dt.13-5-1997 issued by the 3rd respondent.

Counsel for the Petitioner: Mr.Y.SUBBA RAO

Counsel for the Respondents : None appeared.

The Court made the following :

-

-

-

-

-

-

-

-

-

ORAL ORDER:

-

Heard both the counsel.

The petitioner questions the order dated 13-5-1997 imposing punishment of postponement of annual increment for a period of one year with cumulative effect. The petitioner contends that imposing the punishment of postponement of increment with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This Court in **S.K. Mastan v. Managing Director, APSRTC** held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect instead of initiating disciplinary proceedings once again.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year which shall not have the effect of postponing the future increments. No costs.

_____

24th August 2004. **(V.ESWARAIAH, J.)**

ARS

To

1.The Regional Manager, APSRTC., Bhagyanagar Region, Hyderbad
2.The Divisional Manager, APSRTC., Santhanagar Division, Sanathnagar, Hyderabad.
3.The Depot Manager, APSRTC., BHEL Depot, BHEL, Ranga Reddy District.